

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)	ORDER APPROVING
BY BLACK HILLS FIBERCOM, L.L.C., RAPID)	STIPULATED AGREEMENT
CITY, SOUTH DAKOTA, AGAINST QWEST)	TO SCHEDULING ORDER
CORPORATION REGARDING INTRASTATE)	
SWITCHED ACCESS CHARGES APPLIED TO)	CT03-154
ISP-BOUND CALLS WHICH COMPLAINANT)	
CLAIMS ARE INTERSTATE IN NATURE)	

On October 29, 2003, the Public Utilities Commission (Commission) received a complaint filed by Black Hills FiberCom, L.L.C., Rapid City, South Dakota (Complainant), against Qwest Corporation (Qwest) regarding intrastate switched access charges applied to ISP-Bound calls which Complainant claims are interstate in nature.

On October 29, 2003, the complaint was faxed to Qwest. Pursuant to ARSD 20:10:01:09, Qwest was notified that it must satisfy the complaint or file an answer in writing with the Commission by November 18, 2003. On November 18, 2003, the Commission received an Answer and Counterclaim from Qwest. On December 9, 2003, the Commission received a Reply to Qwest's Counterclaim from FiberCom. On January 16, 2004, the Commission received a Stipulated Agreement to Scheduling Order from FiberCom.

The Commission finds that it has jurisdiction to enter this preliminary order pursuant to SDCL Chapters 1-26, 49-1, including 49-1-9 and 49-1-11, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-11, 49-31-18, 49-31-19 and 49-31-76, and ARSD Chapters 20:10:01, 20:10:24, 20:10:27, 20:10:28, 20:10:29 and 20:10:32.

On January 20, 2004, at a regularly scheduled meeting, the Commission considered the Stipulated Agreement to Scheduling Order. The Commission voted to approve the Stipulated Agreement to Scheduling Order, subject to the Commission verifying the availability of the hearing dates. The Commission having found no conflicts with the proposed hearing dates, it is therefore

ORDERED, that the Stipulated Agreement to Scheduling Order, attached hereto, is approved.

Dated at Pierre, South Dakota, this 28th day of January, 2004.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner